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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-98

12 **MICHAEL STEPHEN RANDALL, aka**
MICHEAL STEPHEN RANDALL
13 2950 LeOaks Drive
Bossier City, Louisiana 71111

A C C U S A T I O N

14 Registered Nurse License No. 596416,

15 Respondent.

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17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **License History**

23 2. On or about March 19, 2002, the Board issued Registered Nurse License
24 Number 596416 to Michael Stephen Randall, also known as Micheal Stephen Randall
25 ("Respondent"). The license will expire on July 31, 2009, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Code section 2764, in pertinent part, that the expiration of a license shall
4 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
6 subdivision (b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
10 proceed with a disciplinary action during the period within which the license may be renewed,
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or
14 licensed nurse or deny an application for a certificate or license for any of
the following:

15 (a) Unprofessional conduct, which includes, but is not limited
16 to, the following:

17 (4) Denial of licensure, revocation, suspension, restriction, or
18 any other disciplinary action against a health care professional license or
19 certificate by another state or territory of the United States, by any other
government agency, or by another California health care professional
licensing board. A certified copy of the decision or judgment shall be
conclusive evidence of that action.

20 (f) Conviction of a felony or of any offense
21 substantially related to the qualifications, functions, and duties of a
22 registered nurse, in which event the record of the conviction shall
be conclusive evidence thereof.

23 7. Code section 2762 states, in pertinent part:

24 In addition to other acts constituting unprofessional conduct within
25 the meaning of this chapter [the Nursing Practice Act], it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

26 (b) Use any controlled substance as defined in Division 10
27 (commencing with Section 11000) of the Health and Safety Code, or any
28 dangerous drug or dangerous device as defined in Section 4022, or
alcoholic beverages, to an extent or in a manner dangerous or injurious to
himself or herself, any other person, or the public or the extent that such

1 use impairs his or her ability to conduct with safety to the public
2 the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the
4 prescription, consumption, or self-administration of any of the substances
5 described in subdivisions (a) and (b) of this section, or the possession of,
6 or falsification of a record pertaining to, the substances described in
7 subdivision (a) of this section, in which event the record of the conviction
8 is conclusive evidence thereof.

9 **COST RECOVERY**

10 8. Code section 125.3 provides, in pertinent part, that the Board may request
11 the administrative law judge to direct a licensee found to have committed a violation or
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
13 and enforcement of the case.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Criminal Conviction)**

16 9. Respondent is subject to disciplinary action under Code section 2761,
17 subdivision (f), in that October 26, 2004, in the Superior Court of California, County of Santa
18 Clara, in the case entitled, *People of the State of California v. Micheal Stephen Randall, aka*
19 *Michael Stephen Randall* (Super. Ct., Santa Clara County 2004, Case No. CC449637),
20 Respondent was convicted by the court on his plea of nolo contendere of violating Vehicle Code
21 section 23152, subdivision (b) (Driving With a Blood Alcohol of .08% Content or More), a
22 misdemeanor.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Use an Alcoholic Beverage in a Manner Dangerous or Injurious)**

25 10. Respondent is subject to disciplinary action under Code section 2761, subdivision
26 (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b),
27 in that Respondent used an alcoholic beverage to an extent or in a manner dangerous or injurious
28 to himself or others, as set forth in paragraph 9, above.

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3. Taking such other and further action as deemed necessary and proper.

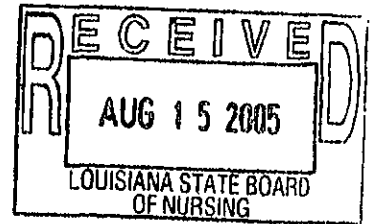
DATED: 9/14/07



RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2007101975

LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA



IN THE MATTER OF
MICHAEL STEPHEN RANDALL,
2950 LE OAKS ST.
BOSSIER CITY, LA 71111
Respondent

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Voluntary Surrender of License

Terms Agreed to by License

I, MICHAEL STEPHEN RANDALL, voluntarily agree to sign and have witnessed the terms of this agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

I, MICHAEL STEPHEN RANDALL, state that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

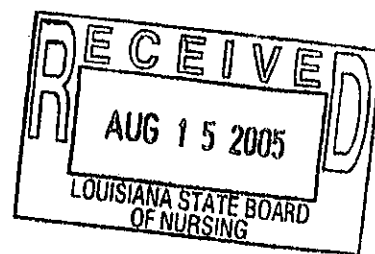
I hereby voluntarily surrender my license to practice as a registered nurse in Louisiana, and I agree that by so doing I subject myself to formal disciplinary action as per Title 46, Professional and Occupational Standards, Part XLVII, Subpart 2, Section 3409. C.

I understand that this voluntary license surrender shall have the consequences set forth in Section 3409.C., including, but not limited to, the following:

1. Be deemed a disciplinary action.
2. Be deemed an admission of the allegations under investigation, listed below as Findings of fact:
 - a. That on October 31, 1997, Respondent was licensed by examination to practice as a registered nurse in Louisiana;
 - b. That on November 27, 1994, Respondent was arrested in West Monroe, Louisiana, for DWI and Careless Operation. The DWI charge was declined and he was charged with Careless Operation. On January 13, 1995, he paid the fees required by the court.
 - c. That on July 16, 1997, Respondent disclosed this arrest with his Application for Licensure as a registered nurse in Louisiana.
 - d. That on March 12, 2004, Respondent was arrested for Driving Under the Influence in San Jose, California. He was sentenced to fines and fees and to enroll and complete a First Offender Alcohol program. He completed the program on September 28, 2004.
 - e. That on January 3, 2005, Respondent disclosed this arrest in his 2005 Application for Renewal of his registered nurse license.
 - f. That on April 4, 2005, Respondent declined the offer to join the Recovering Nurse Program.
 - g. That on June 22, 2005, Respondent requested to voluntary surrender his license.
3. Cause Respondent's license to become invalidated and have an "inactive" status at the time of license surrender.
4. Cause ineligibility for licensure reinstatement for a minimum of two (2) years and until such time as the Respondent meets the requirements for reinstatement as described in Chapter 34 of the Board Rules.


Initials

LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA




IN THE MATTER OF
MICHAEL STEPHEN RANDALL,
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BOSSIER CITY, LA 71111
Respondent

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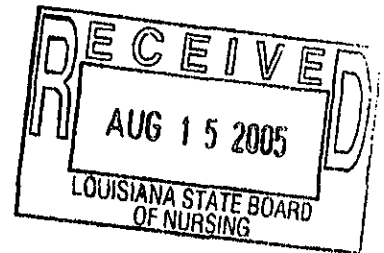
Voluntary Surrender of License

Terms Agreed to by License

5. Become public record as a "voluntary license surrender," to be reported and distributed in the same manner as a final decision of the Board.
6. Prohibit Respondent from practicing as an RN for a minimum period of two (2) years. Such illegal practice shall be subject to penalties provided in Chapter 34 of the Board Rules.
7. May require that, prior to reinstatement, a hearing or conference shall be held before the Board or with Board staff to afford Respondent the opportunity to present evidence that the cause/condition that led to the voluntary surrender no longer exist and to afford the Board or Board staff the opportunity to evaluate changes in the person or condition. The burden of proof shall be for the Respondent to prove that conditions that led to the voluntary surrender of his license no longer exist and/or no longer affect his ability to practice safely.
8. Will require, prior to reinstatement, must submit to a comprehensive psychiatric, psychological and substance abuse evaluation by a psychiatrist, clinical psychologist and addictionist who have been approved by the Board; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
9. Will result in a period of probation, in the event that Respondent resumes practice in Louisiana after the period of surrender is completed.
10. Will require that Respondent's license be reinstated by Consent Order, Settlement Order, or Board Order which would become public record published in the Examiner.


Initials

LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA



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Respondent

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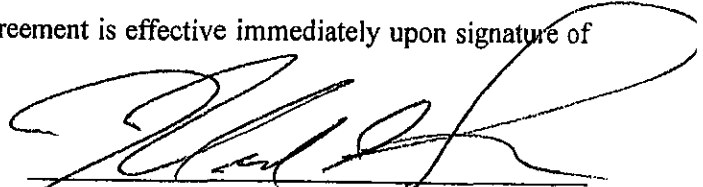
Voluntary Surrender of License


Terms Agreed to by License

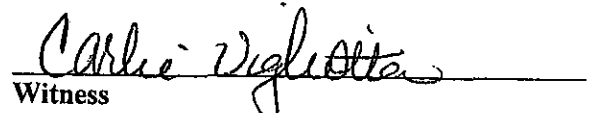
I further acknowledge that I have fully cooperated with the Louisiana State Board of Nursing in resolving these charges, and intend to comply with all stipulations of this order.

I, MICHAEL STEPHEN RANDALL, understand that this agreement is effective immediately upon signature of the Executive Director and will become an ORDER of the Board.


Dated this 11 day of August, 2005


MICHAEL STEPHEN RANDALL,


Witness


Witness

LOUISIANA STATE BOARD OF NURSING


Barbara L. Morvant, MN RN 08/17/05
Executive Director Date